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10 *in his official capacity¹*

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 CENTRAL DIVISION
14

15 **STEVEN RUPP; STEVEN**
16 **DEMBER; CHERYL JOHNSON;**
17 **MICHAEL JONES;**
18 **CHRISTOPHER SEIFERT;**
19 **ALFONSO VALENCIA; TROY**
20 **WILLIS; and CALIFORNIA RIFLE**
21 **& PISTOL ASSOCIATION,**
22 **INCORPORATED,**

23 Plaintiffs,

24 v.

25 **ROB BONTA, in his official capacity**
26 **as Attorney General of the State of**
27 **California; and DOES 1-10,**

28 Defendants.

Case No. 8:17-cv-00746-JLS-JDE

**JOINT STIPULATION AND
REQUEST TO MODIFY
DISCOVERY AND PRETRIAL
DEADLINES; DECLARATION OF
JOHN D. ECHEVERRIA**

Courtroom: 8A
Judge: The Honorable Josephine
L. Staton

Action Filed: April 24, 2017

¹ Rob Bonta has succeeded former Attorney General Xavier Becerra as the Attorney General of the State of California. Pursuant to Federal Rule of Civil Procedure 25(d), Attorney General Bonta, in his official capacity, is substituted as the defendant in this case.

**JOINT STIPULATION AND REQUEST TO MODIFY DISCOVERY AND
PRETRIAL DEADLINES**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), the parties, Plaintiffs Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated (collectively “Plaintiffs”) and Defendant Rob Bonta, in his official capacity as Attorney General of the State of California (“Defendant”) (collectively, the “Parties”), through their respective attorneys of record, hereby request that the Court modify the pretrial schedule (Dkt. 131) in accordance with the stipulated schedule set forth herein.

WHEREAS, after this case was remanded by the Court of Appeals for the Ninth Circuit for further proceedings consistent with *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. ___, 142 S. Ct. 2111 (2022), this Court entered a scheduling order on October 19, 2022;

WHEREAS, under the current Scheduling Order, Dkt. 131, the deadline to complete expert discovery established by this scheduling order is March 3, 2023, and the deadline for filing *Daubert* motions is March 10, 2023;

WHEREAS, the parties have exercised diligence to comply with supplemental expert report deadlines under the scheduling order, with Defendant timely serving 11 supplemental expert reports on January 6, 2023, Plaintiffs timely serving five supplemental rebuttal expert reports on February 3, 2023, and the upcoming deadline for sur-rebuttal expert reports is February 24, 2023;

WHEREAS, the scheduling order allows only three weeks to complete expert discovery after service of the last round of supplemental expert reports;

WHEREAS, counsel for Defendant is currently involved in multiple actively litigated Second Amendment cases, including, among others, *Miller v. Bonta*, No. 3:19-cv-1537 (S.D. Cal.), and *Fouts v. Bonta*, 3:19-cv-01662 (S.D. Cal.), and counsel for both Defendant and Plaintiffs are involved in additional, actively

1 litigated Second Amendment cases, including *Rhode v. Bonta*, No. 3:18-cv-00802
2 (S.D. Cal.), and *Duncan v. Bonta*, 3:17-cv-01017 (S.D. Cal.), Decl. of John D.
3 Echeverria ¶ 3;

4 WHEREAS, while preparing their respective supplemental expert reports in
5 the instant case, the parties in *Miller*, *Fouts*, *Rhode*, and *Duncan* have recently
6 been occupied by a series of orders requiring submission of multiple substantive
7 briefs and compilations of evidence in January and February 2023, Echeverria
8 Decl. ¶¶ 4-7;

9 WHEREAS, the parties agree that, despite their diligence, it is necessary and
10 desirable to extend the close of expert discovery by 14 days beyond the current
11 deadline of March 3, 2023 (up to and including March 17, 2023) to provide for
12 sufficient time to assess the need for further expert discovery and, if needed, to
13 request and complete that discovery;

14 WHEREAS, this is the first request to modify the October 19, 2022
15 scheduling order;

16 WHEREAS, if the Court grants this stipulated request to extend the close of
17 expert discovery by 14 days, the parties would also respectfully request to extend
18 the deadline to file *Daubert* motions until March 24, 2023, so that deadline
19 follows the close of expert discovery, consistent with Exhibit A to this Court's
20 Order Setting Scheduling Conference (Dkt. 37);

21 WHEREAS, this request will not modify any other deadlines established by
22 the October 20, 2022 scheduling order, including the March 24, 2023 deadline to
23 file dispositive motions; and

24 WHEREAS, for these reasons, good cause exists to extend the close of
25 expert discovery by 14 days, and the deadline to file *Daubert* motions by seven
26 days, or until such other dates as the Court determines;

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28 //

**THEREFORE, THE PARTIES HEREBY STIPULATE, AGREE, AND
REQUEST:**

That the Court issue the concurrently filed Proposed Order modifying the
October 19, 2022 scheduling order as follows:

Expert Discovery Cut-off: March 17, 2023

Last Day to File *Daubert* Motions: March 24, 2023

Dated: February 17, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
P. PATTY LI
Supervising Deputy Attorney General
ANNA FERRARI
Deputy Attorney General
CHRISTINA R.B. LÓPEZ
Deputy Attorney General

/s/ John D. Echeverria
JOHN D. ECHEVERRIA
Deputy Attorney General
Attorneys for Defendant

Dated: February 17, 2023

MICHEL & ASSOCIATES, P.C.

/s/ Sean A. Brady
Sean A. Brady
Attorneys for Plaintiffs

Attestation of Concurrence in Filing

I, John D. Echeverria, am the CM/ECF user whose ID and password are being used to file the foregoing Joint Stipulation and Request to Modify Discovery and Pretrial Deadlines. Pursuant to Local Rule 5-4.3.4(a)(2), I hereby attest that all signatories listed above, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: February 17, 2023

/s/ John D. Echeverria
John D. Echeverria
Counsel for Defendant

DECLARATION OF JOHN D. ECHEVERRIA

I, John D. Echeverria, hereby declare and state the following:

1. I am a Deputy Attorney General with the California Department of Justice and counsel for Attorney General Rob Bonta in the above-captioned matter.

2. I make this declaration in support of the parties' Joint Stipulation and Request to Modify Discovery and Pretrial Deadlines. Unless otherwise stated, I have personal knowledge of the facts set forth herein and am competent to testify thereto

3. I am counsel for the State defendants in *Miller v. Bonta*, No. 3:19-cv-1537 (S.D. Cal.), *Rhode v. Bonta*, No. 3:18-cv-00802 (S.D. Cal.), *Fouts v. Bonta*, 3:19-cv-01662 (S.D. Cal.), and *Duncan v. Bonta*, 3:17-cv-01017 (S.D. Cal.). These cases are Second Amendment challenges to certain state laws, and they are pending in the U.S. District Court for the Southern District of California before the same district court judge. Sean Brady of the Michel & Associates, P.C. is outside counsel for the plaintiffs in *Rhode* and *Duncan*.

4. On December 15, 2022, the court in *Miller*, *Rhode*, *Duncan*, and *Fouts* issued an order directing the defendants in each of these four cases to file, by January 11, 2023, "a survey or spreadsheet of relevant statutes, laws, or regulations in chronological order" setting forth "(a) the date of enactment; (b) the enacting state, territory, or locality; (c) a description of what was restricted (e.g., dirks, daggers, metal knuckles, storage of gunpowder or cartridges, or use regulations); (d) what it was that the law or regulation restricted; (e) what type of weapon was being restricted (e.g., knife, Bowie Knife, stiletto, metal knuckles, pistols, rifles); (f) if and when the law was repealed and whether it was replaced; (g) whether the regulation was reviewed by a court and the outcome of the courts review (with case citation)." *E.g.*, *Miller v. Bonta*, No. 3:19-cv-1537, Dkt. No. 161.

5. The December 15, 2022 order also directed the parties to file concurrent opening briefs regarding the statutes, laws, and regulations in the survey

1 within 30 days of filing the survey, and response briefs within 10 days of filing the
2 opening brief.

3 6. On February 7, 2023, the court in *Miller, Rhode, Duncan, and Fouts*
4 issued orders directing the State defendants to file an additional supplemental brief
5 due February 10, 2023. *E.g., Miller v. Bonta*, No. 3:19-cv-1537 (Dkt. 164).

6 7. The State defendants in *Miller, Rhode, Duncan, and Fouts* filed
7 opening briefs on February 10, 2023, and are presently preparing response briefs as
8 directed by the December 15, 2022 order, which will be filed on February 21, 2023.

9 8. Counsel for the parties have stipulated and agree that good cause exists
10 for an extension of the close of expert discovery in this action from March 3, 2023
11 to March 17, 2023 and an extension of the deadline for filing *Daubert* motions from
12 March 10, 2023 to March 24, 2023.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on February 17, 2023 at San Francisco, California.

15
16 /s/ John D. Echeverria

17 John D. Echeverria
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CERTIFICATE OF SERVICE

Case Name: ***Rupp, et al. v. Bonta, et al.*** Case No. **8:17-cv-00746-JLS-JDE**

I hereby certify that on February 17, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT STIPULATION AND REQUEST TO MODIFY DISCOVERY
AND PRETRIAL DEADLINES; DECLARATION OF JOHN D.
ECHEVERRIA**

**[PROPOSED] ORDER GRANTING JOINT STIPULATION AND
REQUEST TO MODIFY DISCOVERY AND PRETRIAL
DEADLINES**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished electronically by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

Executed on February 17, 2023, at San Francisco, California.

Vanessa Jordan
Declarant

Vanessa Jordan
Signature